



IFW 3721

Attorney Docket No. 83581/KNM  
Customer No. 01333

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Inventor(s):

**Michael J. May**

**METHOD OF PRODUCING A  
PACKAGE WRAPPER**

Serial No.: 10/075,976

Filed: February 14, 2002

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Group Art Unit: 3721

Examiner:

**Sameh Tawfik**

I hereby certify that this correspondence is being deposited today with  
the United States Postal Services as First Class Mail in an envelope  
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria,  
VA 22313-1450

*Karen J. Wacenske*  
Karen J. Wacenske

9-12-06  
Date

**REQUEST FOR RECONSIDERATION**

In response to the Decision on Appeal mailed July 24, 2006, and to the  
Communication mailed August 14, 2006, Applicant provides the following remarks.

Applicant thanks the Board of Patent Appeals and Interference ("the  
Board") for reversal of the previous grounds of rejection.

The Board applied a new ground of rejection under 37 CFR § 41.50(b)  
to at least independent claims 1 and 8 under 35 USC § 103 over Lively, U.S. Patent  
Application Published U.S. 2002/090,240, in view of Acker et al., U.S. 6,883,140.  
Applicant traverses the rejection for at least the following reason.

As set forth in the attached records from USPTO Public PAIR, Lively  
was abandoned. The parent case, U.S. Application Serial No. 09/538,612, relied on  
by the Board for an effective date, was also abandoned, and was never published.  
Therefore, Lively is only available as a reference as of its publication date of July 11,

2002, which is after Applicant's filing date. See MPEP 2126.01 and 2127. Lively is not a proper reference, and should be withdrawn.

Acker is cited for disclosure of an image editing system. Acker does not disclose or suggest every feature of the claimed invention, for example, at least displaying a package wrapper image, printing a package wrapper, or transmitting a package wrapper image. Acker alone therefore does not disclose or suggest every feature of the claimed invention, and cannot be combined with Lively because Lively is an improper reference.

Reconsideration and withdrawal of the new grounds of rejection under 35 USC § 103 over Lively in view of Acker are in order, and are respectfully requested.

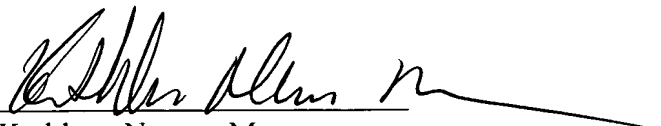
For at least the above reasons, all pending claims 1-3, 5-8, 23 and 24 are in condition for allowance. Prompt and favorable action in the form of a Notice of Allowance, are respectfully solicited.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Attachments:

2 pages from USPTO PAIR site

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.



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10/098,033 System and method for printing a design on a selected printable media at a selected printing facility

| Application Data | Transaction History | Image File Wrapper | Continuity Data | Published Documents | Publication Dates | Address & Attorney/Agent |
|------------------|---------------------|--------------------|-----------------|---------------------|-------------------|--------------------------|
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**Bibliographic Data**

Application Number: 10/098,033

Filing or 371 (c) Date: 03-14-2002

Application Type: Utility

Examiner Name: KRAMER, JAMES A

Group Art Unit: 3627

Confirmation Number: 2289

Attorney Docket Number: 45797-00001USP1

Class / Subclass: 705/026

First Named Inventor: Chris Lively, Addison, TX (US)

Customer Number:

Status:

Abandoned -- Failure to R  
to an Office Action

Status Date:

06-26-2006

Location:

ELECTRONIC

Location Date:

Earliest Publication No: US 2002-0090240 A1

Earliest Publication Date:

07-11-2002

Patent Number:

Issue Date of Patent:

Title of Invention:

System and method for printing a design on a selected printable media at a selected printing facility



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Parent Continuity Data

| Description                                   | Parent Number | Parent Filing or 371(c) Date | Parent Status | Patent Number |
|---|---------------|------------------------------|---------------|---------------|
| This application is a Continuation in part of | 09/538,612    | 03-29-2000                   | Abandoned     |               |

Child Continuity Data

No Child Continuity Data Found

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